

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMIE LEONARD,

Plaintiff,

v.

**ST. CHARLES COUNTY, STEVEN
HARRIS, DONTE FISHER, LISA
BAKER, and THERESA MARTIN,**

Defendants.

Case No. 4:19-cv-00927-MTS

**PLAINTIFF’S RENEWED MOTION FOR SANCTIONS
FOR SPOILIATION OF RELEVANT EVIDENCE**

COMES NOW plaintiff, Jamie Leonard (hereinafter “Plaintiff”), by and through his undersigned attorneys, and, pursuant to this Court’s March 11, 2021 Order (Doc. 85, Pg. 2), Rule 37(e)(2), and this Court’s inherent power, Plaintiff renews his Motion to Sanctions (Doc. 59) against defendant St. Charles County only (hereinafter, “Defendant”).¹ Plaintiff does not renew that Motion as to the individual defendants in this cause of action. Plaintiff’s accompanying Memorandum in Support of this Motion, which is filed contemporaneously herewith and is incorporated herein by reference, more fully states why Plaintiff’s Renewed Motion for Sanctions should be granted.

WHEREFORE, Plaintiff respectfully requests the Court grant this Renewed Motion for Sanctions, presume that the destroyed information was unfavorable to Defendant when ruling on the parties’ summary judgment motions pursuant to Rule 37(e)(2)(A) as a result of Defendant’s sanctionable conduct, or in the alternative, Plaintiff requests that the jury instruction attached to

¹ Plaintiff has only filed a motion for summary judgment as to St. Charles County. This Court invited Plaintiff to file this Motion “at the summary judgment stage”, so it is filed only as to the party subject to Plaintiff’s summary judgment motion.

Plaintiff's Memorandum in Support as Sanctions Exhibit F be approved by this Court. Finally, Plaintiff requests any further relief that this Court deems just and proper.

Date: April 30, 2021

Respectfully submitted by,

**DONNER APPLEWHITE,
ATTORNEYS AT LAW**

BURGER LAW, LLC

By: /s/ Thomas R. Applewhite
Thomas R. Applewhite, #64437MO
Steven A. Donner, #63789MO
906 Olive Street, Suite 1110
St. Louis, Missouri 63101
Phone: (314) 293-3526
Fax: (888) 785-4461
Email: tom.applewhite@da-lawfirm.com
steve.donner@da-lawfirm.com

By: /s/ Gary K. Burger
Gary K. Burger, #32460MO
500 N. Broadway, Suite 1860
St. Louis, Missouri 63102
Phone: (314) 542-2222
Fax: (314) 542-2229
Email: gary@burgerlaw.com

Co-Counsel for Plaintiff

Co-Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify on April 30, 2021 that a true and correct copy of the above and foregoing document was filed with the Clerk of Court, which sent a copy to all counsel of record.

/s/ Thomas R. Applewhite